

The Järverud et al article was submitted by the Applicant in the Information Disclosure Statement filed December 8, 2003 (Reference AU therein). As stated by the Applicant in that Information Disclosure Statement, Reference AU was submitted because it was cited in a Search Report rendered by the Swedish Patent Office during examination of the counterpart Swedish application. Applicant did not make any admission in the Information Disclosure Statement that the Järverud et al article was, in fact, available as prior art against the subject matter of the present application.

A copy of the aforementioned Swedish Search Report was also submitted with the Information Disclosure Statement, and as can be seen therefrom, no specific publication date for the Järverud et al article is provided thereon. The Järverud et al article itself states at page 1 that it is based on a paper received April 2, 2002 and in final form July 17, 2002.

The Järverud et al article was published in Medical & Biological Engineering & Computing 2002, Vol. 40. The Järverud et al article encompasses pages 512-519 of that publication.

Through the website of the publisher, Applicant has now ascertained that the aforementioned pages at which the Järverud et al article appear were included in Vol.40, No. 5, which was not published until September 2002. A printout of the relevant portion of the website is attached hereto as Exhibit A.

This means that the Järverud et al article was not published until September 2002, which is after the priority date of July 2, 2002 under 35 U.S.C. §119 that Applicant claims for this application. This claim to convention priority is based on a Swedish application that was filed on that date. As indicated in the July 5, 2006

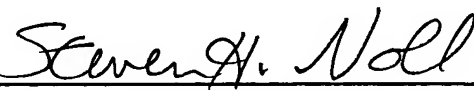
Office Action, and as confirmed by an inspection of the PAIR file for this application, the certified copy of the priority document has been received at the Patent and Trademark Office. Since that priority document is in English, no further steps are necessary for the Applicant to perfect her claim for convention priority.

Since the present application is entitled to the benefit of July 22, 2002 for the purpose of prior art being applied against it, and since the Järverud et al article was not published until September 2, 2002, the Järverud et al article is not available as prior art against the subject matter of this application.

Since the Järverud et al article formed the primary reference in the rejections made in the July 5, 2006 Office Action, Applicant submits that none of those rejections can be maintained in view or the unavailability of the Järverud et al article as prior art.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

 (Reg. 28,982)

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